

### **REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

#### **A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Cancel claims 1, 10, 39, and 58 without prejudice or disclaimer.
3. Amend claims 2, 7 – 8, 16 – 19; 21, 26 – 27, 35 – 38; 40, 45 – 46, 54 – 57; 62 – 63.
4. Respectfully traverse all prior art rejections.
5. Request that the PTO-1449 for the IDS filed October 29, 2003 be initialed and returned (see section D infra).

#### **B. CLAIM AMENDMENTS**

Claim 2 has been transformed into an independent claim, including limitations that involve ascertaining a failure of the radio network control node; and, upon such failure, preparing an omnibus release message with a first selected parameter thereof having a predetermined value to indicate that all radio connections controlled by the radio network control (RNC) node are to be released. Comparable limitations are also included in claims 21, 40, and 54, all now also rewritten as independent claims.

Independent claim 58 has been amended to specify that the omnibus release message has a predetermined value which is not unique to the mobile terminal *and which causes release of all connections handled by a radio network control node of the radio access network upon a failure of the radio network control node.*

Allowable claim 7 has been rewritten and simplified as an independent claim, and simplified to state that when a Serving Radio Network Temporary Identity (S-RNTI)

information element of the omnibus release message has a predetermined value, plural connections handled by the radio access network are released. In similar manner, claims 26, 45, and 62 have been rewritten as independent claims and are also deemed allowable.

The dependencies of claims 8, 27, and 46 have been amended now to depend respectively upon newly independent claims 2, 21, and 40.

Allowable claims 16, 35, 54, and 63 (which concern the transmission of the omnibus release message on a common control channel (CCCH) when a mobile terminal is in a CELL\_FACH state) have been rewritten as independent claims.

The dependencies of claims 17, 36, and 55 have been amended now to depend respectively upon newly independent claims 2, 21, and 40.

The dependencies of claims 42 and 43 have been corrected to depend upon newly independent claim 40.

Allowable claims 18 – 19, 37 – 38, and 56 – 57 have been rewritten as independent claims.

### **C. PATENTABILITY OF THE CLAIMS**

Claims 1-3, 5, 6, 8, 9, 12, 13, 20-22, 24, 25, 27, 28, 31, 32, 39-41, 43, 44, 46, 47, 50, 51 and 58-61 are rejected under 35 USC §102(e) as being anticipated by U.S. Patent 6,532,227 to Leppisaari et al. Claims 1, 2, 4, 20, 21, 23 and 39-42 are rejected under 35 USC §102(e) as being anticipated by U.S. Publication No. 2001/0034228 to Lehtovirta et al. Claims 17, 36, 55 and 64 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,532,227 to Leppisaari et al. All prior art rejections are respectfully traversed for at least the following reasons.

The rejections of allowable claims 7, 16 – 19; 26, 35 – 38; 45, and 54 – 57 should be withdrawn in view of rewriting thereof as independent claims.

New independent claims 2, 21, and 40 involve the radio network control (RNC) node ascertaining a failure of the radio network control node; and, upon such failure, preparing the omnibus release message. These claims further specify that the omnibus release message has a first selected parameter thereof, and that the first selected parameter has a predetermined value to indicate that all radio connections controlled by the radio network control (RNC) node are to be released.

In similar manner, amended independent claim 58 specifies that the omnibus release message has a predetermined value which is not unique to the mobile terminal *and which causes release of all connections handled by a radio network control node of the radio access network upon a failure of the radio network control node.*

The subject matter of independent claims 2, 21, 40, and 58 is not taught or suggested by the applied prior art.

U.S. Patent 6,532,227 to Leppisaari et al. merely deallocates physical channels previously allocated by a base station subsystem when the previously allocated physical channels must be freed for other uses (col. 4, lines 60+). Thus, U.S. Patent 6,532,227 to Leppisaari et al. does not teach, e.g., the ascertaining a failure of the radio network control node. Nor does U.S. Patent 6,532,227 to Leppisaari et al. teach or suggest releasing all connections controlled by a radio network control node. Leppisaari is concerned with deallocation of channels, not all connections. Leppisaari may specify that all mobile stations (MS) utilizing a certain channel are affected by a deallocation of the channel (col. 4, lines 13 – 16), but there is no mechanism or suggestion for releasing all connections controlled by a RNC.

U.S. Publication No. 2001/0034228 to Lehtovirta et al does mention detecting failure of a node, either total or partial failure (see, e.g., paragraph [0043]). However, rather than having a first selected parameter thereof set to a predetermined value, Lehtovirta selectively indicates the affected subscriber unit connections, e.g., by a list that

identifies the subscriber units so affected (see, e.g., paragraphs [0020] and [0021]).  
When only a partial failure is detected, not all subscriber unit connections are terminated.

Therefore, neither U.S. Patent 6,532,227 to Leppisaari et al. nor U.S. Publication No. 2001/0034228 to Lehtovirta et al, either alone or in combination, for a basis for denying patentability of Applicants' claims. Such conclusion was also reached in the International Preliminary Examination Report rendered on amended claims of comparable scope to those now presented. The International Preliminary Examination Report has been made of record in the IDS filed on October 29, 2003.

#### **D. REQUEST FOR CONSIDERATION OF ALREADY-FILED IDS**

The undersigned has not received the initialed PTO-1449 for just-mentioned the IDS which forwarded the International Preliminary Examination Report and which was filed on October 29, 2003. A copy of the IDS filed on October 29, 2003, together with the International Preliminary Examination Report and proof of filing thereof, are attached. It is respectfully requested that the PTO-1449 be initialed and returned.

#### **E. MISCELLANEOUS**

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

Any additional claims fees necessitated by this Amendment are indicated on the attached transmittal letter and are paid by an accompanying check. A Request for Extension of Time and accompanying check is also simultaneously filed herewith. Should the transmittal letter, request for extension of time, not be found, the Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

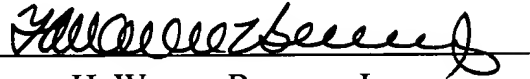
WALLENTIN  
Serial No. 09/852,915

Atty Dkt: 2380-336  
Art Unit: 2681

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



H. Warren Burnam, Jr.

Reg. No. 29,366

HWB:lsh  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100